

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by Andrew Ciepiela.

ROLL CALL: Present - Sheila M. Meegan Supervisor
Eugene P. Hart Councilman
William P. Hanley, Jr. Councilman
Absent - None

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

The meeting was dedicated to the memory of Thomas Greene, Daniel Hart & James Hayes.

16-A MINUTES TO BE APPROVED

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2019-15 of July 29, 2019.

Ayes: All Noes: None Motion Carried

16-C PUBLIC COMMENTS ON COMMUNICATIONS - None

16-D COMMUNICATIONS

8. Chief Denz re Appointment of Michael Rybak to the rank of Detective
- Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Michael Rybak as Police Officer and appoint him to the rank of Detective effective August 13, 2019 at an annual salary of \$92,156.38 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

1. Supervisor Meegan re Proposal for Engineering Services – Overflow Pump Station
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into the attached agreement with Clark Patterson Lee with regard to engineering services for the Town of West Seneca High School overflow pump station.

On the question, Councilman Hart stated these pumps have been the source of huge overtime costs for the town for many years. The cost of engineering services will be approximately \$70,000 and the automated pumps will save money.

Ayes: All Noes: None Motion Carried
APPENDICES

16-D COMMUNICATIONS

2. Councilman Hanley re Appointment of Amelia Greenan as Secretary to the Budget Advisory Committee

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint current employee Amelia Greenan to the title of part-time clerk typist at her current rate of \$18 per hour, noting she will serve as a floating clerk to include duties such as secretary to the Budget Committee (1.8060.0138) and her current role as secretary to the Ethics Committee (1.8050.0138).

Ayes: All Noes: None Motion Carried

3. Town Attorney re Usage permit and license agreement with South Buffalo Rugby Club

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into a usage permit and license agreement with South Buffalo Rugby for use of Tim Russert Park.

On the question, Supervisor Meegan stated South Buffalo Rugby would like to install a semi-permanent rugby goal post system.

Ayes: All Noes: None Motion Carried

4. Town Attorney re Public Hearing – Princeton Park Drainage Benefit Area

Motion by Supervisor Meegan, seconded by Councilman Hanley, to schedule a public hearing on August 26, 2019 at 3:00 P.M. in the Community Center & Library, 1300 Union Road, to hear all persons interested in creation of Princeton Park (Croglio Subdivision) Drainage Benefit Area, noting pursuant to §102A-13 of the Town Code a drainage benefit area must be established for ongoing maintenance of storm water facilities.

Ayes: All Noes: None Motion Carried

5. Town Engineer re Dedication of Reserve/Westgate Subdivision

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the dedication of the Reserve/Westgate Subdivision (sublot numbers 1-8, inclusive) completed by N.C. Contracting, Inc., 151 South Ave, West Seneca, NY 14224 under Public Improvements Permit 18-01 and Erie County Health Department #JBUL-B3WJ9W.

Ayes: All Noes: None Motion Carried

16-D COMMUNICATIONS

11. Sr. Recreation Therapist of Sr. Services re Status change for Lee Ann Piniewski to seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of part-time food service worker Lee Ann Piniewski to part-time seasonal effective August 1 – 30, 2019 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

12. Recreation Supervisor re Appointment of Patrice Jordan as part-time clerk typist

Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Patrice Jordan as part-time clerk typist at a rate of \$12 per hour effective August 13, 2019, noting the position will be paid from Salary of Clerical – part-time account 001.7140.0139 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

13. Recreation Supervisor re Termination of inactive employees

Motion by Supervisor Meegan, seconded by Councilman Hanley, to terminate the following employees effective August 12, 2019:

Sarah L. Amoia
Emily C. Balisteri
John P. McNamara
Sarah C. Wood
Virginia Headd
Julia N. Moore

Kaleigh M. Backer
Joseph M. Drajem
Madeline Stoklosa
Mitchell W. Bednarz
John Jerabek
Laura Skrzypczyk

Leon A. Baker
Elyse M. Fuerst
Brook K. Tuner
Jillian E. Hartman
Angela McNeight
Matthew J. Skrzypczyk

and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All Noes: None Motion Carried

14. Recreation Supervisor re Cub Scout Pack 1776 – use of Fireman’s Park

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Cub Scout Pack 1776 for use of the open field at Fireman’s Park for their annual rocket launch.

Ayes: All Noes: None Motion Carried

16-D COMMUNICATIONS

15. Recreation Supervisor re Summer Mini Camp program
- Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the Summer Mini Camp program, noting West Seneca Youth & Recreation reserves the right to cancel or end a program or close a facility at any time for any reason, including but not limited to weather, staffing levels, attendance levels, etc.

Ayes: All Noes: None Motion Carried

16-E REPORTS

- Jacqueline A. Felser, Town Clerk's report for July 2019 received and filed.

16-F APPROVAL OF WARRANT

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$256,256.10; Highway Fund - \$167,763.56; Sewer Fund- \$21,133.47; Gas Conversion - \$75.10; Electric Lighting - \$5,266.01 (vouchers 5689 - 6801)

Ayes: All Noes: None Motion Carried

16-B LEGAL NOTICES

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN CREATION OF A LIGHTING DISTRICT IN PRINCETON PARK TO BE KNOWN AS ELECTRIC LIGHTING DISTRICT NO. 64" in the Town of West Seneca, be received and filed.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to open the public hearing.

Ayes: All Noes: None Motion Carried

No comments were received from the public.

Motion by Supervisor Meegan, seconded by Councilman Hart, to close the public hearing.

Ayes: All Noes: None Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to establish a lighting district in Princeton Park to be known as Electric Lighting District No. 64 in the Town of West Seneca.

Ayes: All Noes: None Motion Carried

16-B LEGAL NOTICES

2. Motion by Supervisor Meegan, seconded by Councilman Hanley, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN LOCAL LAW NO. 2019-04 – AMENDMENT TO CHAPTER 13, CODE OF ETHICS" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Amy Carpenter, Chairperson of the West Seneca Ethics Board, thanked fellow Ethics Board members Vice Chairman Rodney Montgomery, Theresa Funk, William Bauer, James Lazzaros, Karl Spencer, Town Clerk Jacqueline Felser and Ethics Board Attorney Jon Minear for their work in preparing the proposed code along with Town Attorney Tina Hawthorne and Ethics Board Secretary Amelia Greenan for their assistance. Mrs. Carpenter stated their goal is to promote transparency, civility and courtesy and the community and public officials will work to promote understanding and sharing of ideas. They look for elected officials and town employees to be responsible stewards of West Seneca resources and ask that prior to making decisions due diligence be performed. Decisions should not be made about self, friends, family or political party. Ethical behavior is required by all public officials, town employees and anyone representing the town. The purpose of the Ethics Code is to promote no conflicts of interest, a duty to recuse, no personal use of town property, no misuse of confidential information, no improper gifts, a duty to cooperate with all parties involved in a matter being considered, treatment of everyone with dignity and respect and a process for what is best for the town rather than any individual or business. The challenge is to work to build public trust by being collaborative, communicative (including listening), professional, service oriented, fiscally responsible and empathetic.

Theresa Funk gave the attached power point presentation outlining proposed changes to the Ethics Code.

Four residents offered the following comments/questions:

- ✓ The Ethics Board should be independent and not "serve at the pleasure of the Town Board" (§13-7a), ensuring members cannot be removed in retaliation by a Town Board member; members should not be removed without cause.
- ✓ Representatives from the Town Board, specifically the Town Attorney and Town Clerk, should not be members of the Ethics Board even as non-voting members as it gives the impression they are a conduit back to the Town Board.
- ✓ Keeping the Ethics Board in an advisory capacity removes the board's credibility; the Ethics Board should have some sort of enforcement capability (i.e. letters of censure; civil fines)

16-B LEGAL NOTICES

2. (continued)

- ✓ Annual training for employees should be provided by the Ethics Board.
- ✓ Referred to the definition of whistleblower and requested clarification on the portion stating "concerning the business of the town itself" – Mrs. Funk stated an example would be repeating confidential information discussed in executive session.
- ✓ Referred to the recusal policy and suggested there be a procedure in place to issue waivers in the unusual instance that three out of five board members have to recuse themselves (i.e. union contracts)
- ✓ Suggested §13-3e address whether political donations are considered gifts
- ✓ Referred to disclosure of confidential information and suggested there may be times when confidential information from executive sessions is discussed with others
- ✓ Whistleblower Policy
 - B1 states wrongdoing can be reported to an employee's supervisor and B4 states the individual to whom the potential wrongdoing is reported to shall investigate – Chairperson Carpenter stated if the direct supervisor is handling the situation there is no need to report it to the Ethics Board.
 - Referred to B5 regarding disclosure of information to authorities and questioned who the authorities are – Chairperson Carpenter stated the authorities would be specific for the case before the Ethics Board (i.e. police)
 - Referred to B7 regarding potential wrongdoing being thoroughly investigated by the town and suggested it should read "investigated by the Ethics Board"
- ✓ Referred to Standards of Conduct §13-3c concerning representing private interests before any board, department, office or agency of the town and suggested it include language that constituent services are an exception
- ✓ Suggested more detail concerning investigating and specify the Ethics Board has the power to investigate
- ✓ West Seneca recently received a "B" grade for the current Ethics Code and thanked the Ethics Board for their work on revisions
- ✓ Questioned the effect of disclosure statements on hiring employees – Chairperson Carpenter stated Town Board members must recuse themselves from voting on hiring a relative.
- ✓ Questioned if disclosure statements will be on file with the Town Clerk and open to the public – Chairperson Carpenter responded annual disclosure statements will be filed with the Town Clerk and open to the public.
- ✓ Suggested the definition of relative include grandchildren
- ✓ Suggested recusal from voting should also prohibit discussions with other board members that would influence decision making
- ✓ Referred to Standards of Conduct §13-3e and suggested additional language that banks should not give a discount to town officials

16-B LEGAL NOTICES

2. (continued)

- ✓ Referred to Standards of Conduct §13-3m and suggested additional language that town employees are prohibited from engaging in political activity in the workplace - Town Attorney Tina Hawthorne advised NYS Law prohibits engaging in political activity in the workplace.
- ✓ Referred to Penalties §13-4 and stated if a Town Board member violates the Ethics Code they should not be part of the decision on the penalty – Chairperson Carpenter stated they would not be making the decision as they would be required to recuse.
- ✓ Suggested Ethics Board members also have training
- ✓ Questioned if political activity on town property is addressed – Chairperson Carpenter stated political activity in the workplace on town phones or on town property is not permissible under NYS law and if someone is aware of such activity they can report it under the whistleblower policy. Town Attorney Tina Hawthorne suggested including a sentence in the Ethics Code acknowledging existence of the NYS Ethics Code.
- ✓ Referred to §13-10 Compliance and questioned if current employees will be required to sign; suggested a union steward and department head be present to sign off that an employee refused to sign the document - Town Attorney Tina Hawthorne responded it is the recommendation of the Ethics Board that current employees sign, but this may be a collective bargaining issue with union employees. Councilman Hanley stated although employees do not have to agree to the terms of the Ethics Code they will have to acknowledge they received it.

Board members and department heads thanked the Ethics Board members for their work on revisions to the Ethics Code and a great presentation.

Motion by Supervisor Meegan, seconded by Councilman Hanley, to table the public hearing pending receipt of possible amendments to the Ethics Code presented.

Ayes: All

Noes: None

Motion Carried

ISSUES OF THE PUBLIC

- A resident questioned if there is a system in place for residents who repeatedly overfill their garbage tote – Highway Sup't. Matthew English responded if a complaint is received, the driver of the truck will monitor the address and if it continues Mr. English speaks with the resident or sends them a letter.

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

RECREATION SUPERVISOR LAUREN MASSET

- Veterans Park Aquatics complex season is extended until August 29th

PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS

COUNCILMAN HART

- Questioned status of removal of veterans monuments from cemetery – Highway Supt. Matthew English responded he met with James Manley of the West Seneca Veterans Committee and is waiting for measurements before starting to dig.
- Requested an update on Burchfield Center litigation – Town Attorney Tina Hawthorne responded the appeal briefs are complete and in the review process to be filed.

SUPERVISOR MEEGAN

- Received word from the ECIDA that Rosina Foods is building a \$58 million facility in West Seneca at 3100 Clinton Street and adding 40 positions

ADJOURNMENT

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 8:15 P.M.

Ayes: All

Noes: None

Motion Carried

JACQUELINE A FELSER, TOWN CLERK



ARCHITECTURE
ENGINEERING
PLANNING

July 30, 2019

Supervisor Sheila M. Meegan
Town of West Seneca
1250 Union Road
West Seneca, New York 14224

**RE: PROPOSAL FOR ENGINEERING SERVICES
TOWN OF WEST SENECA HIGH SCHOOL OVERFLOW PUMP STATION**

Dear Supervisor Meegan:

The CPL Team appreciates the opportunity to provide you with the following proposal for Engineering Services related to design, bidding, and construction services for the proposed new sanitary sewer overflow pump station, to replace the existing "temporary" pump station along Seneca Street across from the West Seneca West High School.

The existing overflow pumps are run manually when alarms alert the Town's sewer employees of rising water that is beyond the capacity of the siphon that traverses Cazenovia Creek along Seneca Street. The capacity of each of the pumps is about 1,250 gallons per minute or 1.8 MGD. This capacity is about what it needs to be, however the pumps only have a 2-hour gas storage which leads to excessive overtime during extended periods of sewer overflows. The existing pumps have exceeded their life expectancy and are fairly worn. We will evaluate the last several years' worth of data and design a pump station with equal or more capacity that would be controlled automatically by an overflow level sensor that would be installed in the siphon manhole at a set elevation. The pump station will likely be housed in a small precast building with its own electrical service with generator backup. We will also look at the best way to collect solids and rags at the discharge to cut down on the discharge of solids to the creek during overflows. We will design a more permanent discharge pipe to the creek that is less conspicuous and properly sized.

In summary, the proposed project includes the following:

- New pumps, pump mounting, piping and metering.
- New precast pump station that includes all electrical components including lights, panel boards, and generator.
- A heater for inside the pump station.
- Replacement of controls with level sensors and alarms.
- New electrical service to the building
- Improvements to the site as needed.
- Installation of a new force main with discharge to Cazenovia Creek with new solids collection baskets.

The scope of services included in this proposal for engineering services include the following:

Task 1: Preliminary Services

1. Prepare a Basis of Design Report for design of the pump station to include review of the pump sizing, pump recommendation, controls, electrical upgrades, flow meter installation, and building. The Report will also include an evaluation of the force main sizing and basket solids collection system.
2. Completion of the SEQRA process for the pump station replacement and the proposed force main relocation.
3. Permitting as necessary with DEC.

Task 2: Design

1. Prepare preliminary and final construction drawings, specifications, contract documents, and cost estimates. These documents will be suitable for bidding and construction.
2. Prepare and obtain all required permits for the project including Erie County Highway, NYSDEC and USACOE.

Task 3: Bidding

1. Provide up to fifteen (15) sets of plans, specifications, and contract documents to be issued to prospective bidders. We have assumed up one (1) construction contracts will be required.
2. During the bidding period, we will respond to bidders' questions and issue any addenda required for interpretation and clarification of the bidding documents.
3. We will attend the bid opening, review bids for compliance with the bid requirements and mathematical correctness, prepare bid tabulation, investigate bidders' qualifications, and prepare a written recommendation for the award of the contract.

Task 4: Construction Administration

1. Coordinate a pre-construction conference prior to commencement of work at the site. Coordinate and hold construction meetings on a monthly basis with the Owner, funding agency, and contractor.
2. Receive, review, and determine the acceptability of any and all schedules that contractor is required to submit, including the progress schedule, schedule of submittals, and schedule of values.
3. Recommend change orders and work change directives to Owner, as appropriate, and prepare change orders and work change directives as required.
4. Review applications for payment and accompanying supporting documentation to determine the amounts that the contractor be paid.
5. Coordinate project close-out with the funding agency and the contractor.

Task 5: Resident Inspection

1. We will provide drawings and specifications to the Town Engineering Staff, who can complete the inspection services during construction. We will meet with the staff up to four (4) times during construction on site to review the contractors work.

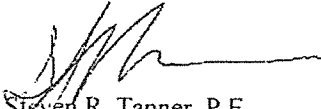
We propose to complete the above tasks for the lump sum amounts shown below:

<u>Task</u>	<u>Fee</u>
Task 1: Preliminary Services	\$15,500
Task 2: Design	\$45,000
Task 3: Bidding	\$ 5,500
Task 4: Construction Administration	\$ 9,500
<u>Task 5: Resident Inspection</u>	<u>Town Staff</u>
Total	\$75,500

We appreciate this opportunity and look forward to working with the Town to complete this project. If you have any questions or need additional information, please contact me at (716) 852-2100 x 1318. If you wish for us to proceed with this work, please send back a signed copy of this proposal. Given the Town did not move forward with the East and West sewer improvements, there should be funding left from the original bonding of the phase I sewer improvements to cover the cost of this work (Town to verify).

Very truly yours,

Clark Patterson Lee



Steven R. Tanner, P.E.
Principal Associate

Proposal Accepted By:

Signature: _____
Town of West Seneca

Date: _____

ETHICS CODE UPDATE



ETHICS COMMITTEE – 8/12/2019

HOW DID WE GET HERE



-
- Why
 - Last reviewed/revised in 2009
 - Lacked substance in many areas of Ethics code
 - Bring more transparency to West Seneca government
 - How
 - Reviewed current code
 - Reviewed code from other local municipalities
 - Reviewed code from many other municipalities in NYS and various other states

LEGISLATIVE INTENT



-
- Promotes officers and employees to be independent, impartial and responsible
 - Public office is not to be used for personal gain
 - Arrive at decisions impartially and without conflict of interest
 - Officers and employees act within the highest standards of ethics

DEFINITIONS/TERMS



-
- Updated existing definitions and clarified others
 - Relative
 - Recuse
 - Whistleblower
 - Wrongdoing

STANDARDS OF CONDUCT



-
- Taking or failing to take action for financial benefit or interest
 - Publicly disclosing on record of any potential or appearance of conflict in town matters
 - Mandatory recusal from acting or voting on matters of personal interest or financial benefit
 - Acceptance of gifts for influencing official actions
 - Disclosure of confidential information to further personal interests or those of others
 - Use of Town property for personal convenience or profit

DISCLOSURE STATEMENTS



-
- **Annual** disclosure statements required for
 - Elected officials
 - Department heads
 - Boards – Zoning, Planning, Assessment, Ethics
 - Commission members
 - Independent contractors hired by the Town will be required to complete disclosure statements

DISCLOSURE STATEMENTS



Please List any real property in the Town of West Seneca where you, as an individual¹, own any ownership interest:

.....

Please List any Relatives employed by the Town of West Seneca or appointed to serve on a Committee in the Town of West Seneca:

Relative Name	Relationship	Position Held
.....

Please answer the following questions.

1. Have you, your spouse/partner or relatives had any interest in any business or entity doing business with the Town currently or within the past twelve (12) months?

Yes _____ No _____

2. Have you, your spouse/partner or relatives had any interest in any contract made or executed by the Town of West Seneca within the past twelve (12) months?

Yes _____ No _____

List any position held in any other business, association or not-for-profit organization held by you, your spouse/partner or relatives that has or could in the future transact business with the Town of West Seneca:

Business Name	Person Name	Nature of Business
.....

WHISTLEBLOWER POLICY



- Applies to all board members, officers, employees and the public
- Confidential means to report credible allegations of misconduct, wrongdoing or unethical behavior
- Multiple ways of reporting wrongdoing: ➤ Human Resources ➤ Ethics Board attorney
 ➤ Erie County Whistleblower hotline (call or email)
- **Requires a formal written or oral complaint to allow proper investigation of claim**
- Investigations, questioning, etc are completed in Executive session to maintain confidentiality
- Ethics Board will investigate claims, render findings & potential disciplinary action to the Town Board.
- Any allegations of retaliation for a whistleblower will be fully investigated & subject to disciplinary action

WHISTLEBLOWER POLICY



I. PERSON MAKING COMPLAINT (complainant)

NAME: _____
 ADDRESS: _____
 TELEPHONE NUMBER: _____
II. PERSON AGAINST WHOM COMPLAINT IS MADE (respondent)
 NAME: _____
 ADDRESS: _____
 TITLE OR POSITION IN GOVERNMENT: _____

III. ALLEGATIONS AND STATEMENTS OF FACTS: in your own words, please provide a description of the violations of the ethics code which you believe have occurred. Include names, dates, places, money amounts, emails, face book postings, and any other communications that support the allegations.

COMPOSITION OF THE ETHICS BOARD



- Members are appointed by Town Board
- Receive no salary or compensation for their services
- As of 1/1/20 there will be 1 member per Town Board member, Town Clerk, Town Attorney, Ethics Board Attorney
- Town Clerk, Town Attorney, Ethics Attorney are ex officio members with no voting power.
- Three members will be appointed or reappointed in 2021 and every 5 years thereafter
- Two members will be appointed or reappointed in 2022 and every 5 years thereafter
- This helps to establish and maintain continuity on the board
- All members of the Board of Ethics must be residents of the Town of West Seneca

COMPLIANCE



-
- Condition of employment for all Town officials, officers and employees
 - Human Resources will be responsible to distribute and obtain signature upon approval for all Town officials, officers and employees and filed in employee personnel files
 - All new hires, officials and officers must be presented a copy of the current code and obtain signature for placement in employee personnel files.

RECOMMENDATIONS



-
- All new hire packets should include
 - Copy of Ethics Code
 - Information on Whistleblowers policy
 - Annual Ethics refresher training
 - Ethics Committee perform training/review of code
 - Various online Ethics training sites